

REPORT

STEP INSIDE AN INDIAN PRISON ¹

7th and 10th July, 2017

Methodology

The prison visits were aimed at giving judicial officers an opportunity to interact with prisoners and understand the nuances of the prison system. The interaction sought to bridge the gap of knowledge between the two very important elements of the Criminal Justice System i.e. the accused and the Judiciary. Prior to this no such attempts to organise prison visits for judicial officers as part of trainings had been undertaken. All earlier visits by judicial officers were either for test identification parades or part of official duties.

This also served as a platform to bring together representatives from the Directorate of Correctional Services and CHRI to discuss the prison system and role of judicial officers in oversight and monitoring.

In brief, the training looked at the following aspects:

- ✓ Brief history of the Prison System in India
- ✓ The Journey from being Prisons to being Correctional Homes in West Bengal.
- ✓ New initiatives taken to correct and rehabilitate inmates so as to merge with the society.
- ✓ Exploring the inter-linkages between both prisons and judiciary and the role of judicial officers to act as guardians or custodians for persons in custody.
- ✓ Visit to the Dum Dum Central Correctional Home, Kolkata and understanding the life of an inmate.

The training commenced with a round of introductions and rationale for the Training Programme discussed by Ms. Madhurima Dhanuka, Coordinator, Prison Reforms Programme, CHRI. Further, she introduced CHRI's work with special emphasis on West Bengal. Thereafter, the structure of the day's proceedings and the expected outcome was spelt out.

INTRODUCTION & PURPOSE

Commonwealth Human Rights Initiative (CHRI), in collaboration with West Bengal Judicial Academy, organised one-day Prison Visits for District Judges [Entry Level] and Civil Judges (Junior Division) on 'Step Inside an Indian Prison' on 7th and 10th July 2017. It was held at the Regional Institute for Correctional Administration, Dum Dum, Kolkata.

Prisons have traditionally been and still remain closed institutions. The physical structure of prisons and the archaic rules of management endow them with a cover of obscurity which often leads to grave human rights violations behind the four walls of a prison.

Prisons, now known as correctional homes in West Bengal, are a place that concentrates as much on detaining people as on their rehabilitation and reintegration in society post release.

In India, the Supreme Court has time and again re-affirmed the importance of prison visits judicial officers as an instant administrative grievance redressal mechanism to protect the rights of prisoners. However, in practice visits by judicial officers are rare, or conducted a mere formality as their knowledge of prisons and prison administration is poor.

It is in this regard, that these prison visits were organised by CHRI in collaboration with the West Bengal Judicial Academy, & Directorate of Correctional Services, WB. The visits aimed to give them an insight into the lives of prisoners and prison officers and also to inform them of duties of judicial officers in ensuring oversight over prisons.

¹ By Amrita Paul, Programme Officer, Prison Reforms Programme, CHRI

The Sessions

Session I: The first session commenced with the Mr. Arun Kumar Gupta, DG & IG, Correctional Services, West Bengal discussing the prison system in India. He spoke about the principles of criminal justice system in early ages of civilization and punishment meted out to criminals which ranged from imprisonment to being beheaded. Another aspect that he highlighted was the lack of principle of natural justice in those times, as it was the King who would inevitably also be the Judge who would deliver the decision. He contrasted this with modern day principles of natural justice which are now imbibed within our judicial system. Next he discussed the various committees setup pre and post-independence and their recommendations which aimed at improving the conditions of Prisons in India.

He then focused on the Prisons Act, and new developments. Especially in the context of West Bengal, he spoke of the historic moment of legislating and implementation of the West Bengal Correctional Services Act, 1992. He then discussed the provisions under the act which necessitates a change in attitudes of Correctional Services Officers and what steps are being taken to implement those provisions at the ground level.

The next part of the presentation aimed at sharing the new initiatives that have been taken by the Directorate for the benefit and re-integration of inmates into the society after their release. It was quite heartening to note that the inmates are being engaged in many such activities and ventures which are helping to increase their skillset. This may be useful after their release.

Session II: The second session was aimed at exploring the inter-linkages between both Prisons and Judiciary. Ms. Madhurima Dhanuka, discussed at length the role of the Judicial Officers in having to act as guardians and custodians of persons in custody. Towards this, reliance was placed on celebrated decisions of the Supreme Court which held that - "*court has a distinctive duty to reform prison practices and to inject constitutional consciousness into the system*"², "*the judiciary has thus a duty to guardian their sentences and visit prisons when necessary*"³ and most importantly "*judicial policy of prison practices is implied in the sentencing power, thus the 'hands off' theory is rebuffed and the Court must intervene when the constitutional rights and statutory prescriptions are transgressed to the injury of the prisoner.*"⁴

Next she shared the many kinds of gaps as evidenced by queries posted by accused/ inmates at the Correctional Homes in West Bengal. This could be - "remanding to judicial custody again", "why has my charge-sheet not filed yet?", "my lawyer has not come to the Correctional Home to speak to me" and many more.

She emphasised how the role of the Judiciary as 'overseers' was in terms of them being members of the Legal Services Authorities, members of the Under-Trial Review Committees, ex-officio members of Board of Visitors, which is a prison oversight body mandated to be setup by the Prisons Act. She further impressed upon the role of judicial officers as custodians of the interests of the vulnerable few namely, women, juveniles, mentally ill and foreign nationals. The role under each of these categories was deliberated upon with the participants.

These discussions were particularly important before one could commence upon the scheduled Prison Visit to Dum Dum Central Correctional Home so as to frame a context to create inquisitiveness among the participants.

² *Sunil Batra v Delhi Administration & Ors.* AIR 1978 SC 1675.

³ *Charles Sobraj v Superintendent Central Jail, Tihar, New Delhi* AIR 1978 SC 1514.

⁴ *Ibid.*

Session III: Both sessions were followed by the Prison Visit to Dum Dum Central Correctional Home which lasted from 1pm – 4:30 pm. Before the visit was to commence, the participants were put in groups of 4 by Ms. Amrita Paul, Programme Officer, Prison Reforms Programme, CHRI and particular subject along with a questionnaire or subject cards (Annexure 1) was shared with them. During their visit, they were tasked to find answers and make a small presentation after completion of the visit.

After arrival at Dum Dum CCH, the Superintendent, Mr. Debashish Chakraborty gave a brief history of the correctional home prior to commencement of the visit. The participants were taken first to the hospital area where homeopathy, allopathic and ENT treatments are being given to the patients and showed the participants how medicines are issued from the pharmacy. They were then taken to the kitchen area where food is prepared and the canteen which is being manned by convicts of the correctional home. Next in the visit was the workshop area where clothes, jute products, carpets, carpentry, fresh puffed rice were being prepared; then to the areas where UTPs and Convicts reside; then to the interview room⁵. This was followed by a visit to the female ward which is completely separate and has separate education facilities for women and children (living with their mothers) and a hospital. In the end they were shown the Video-Conferencing Room where productions were undergoing at the time and the telephone booths which are being used by inmates to contact their families.

Throughout the prison visit, judicial officers were permitted to interact with inmates – undertrials and convicts. Many judicial officers were interested to interact and know more about general living conditions within prisons. Prisoners too seemed eager to have conversations with the judicial officers and tell them their problems.

Session IV: This session was a debriefing after the prison visit. In this session the subject cards were returned back to be assessed. Participants were invited to share their views or opinions after the prison visits. Certain issues highlighted were:

1. Mentally Ill inmates – They continue to be detained in Correctional Homes for long. They continue to be under trials as their trials have been suspended for the time being.
2. Medical Attention – More doctors and staff is needed to cater to all the inmates.
3. Production – Physical production is not being complied with at all courts and at all times.
4. Quality of Legal Aid – Due to extraneous reasons, the client is unable to meet the legal aid lawyer, seek updates and argument strategy. This practice de-motivates the others as well towards requesting for legal aid.

Upon completion of the day, participants were handed feedback forms. An assessment of the forms is given in the next section.

Feedback from Participants

Date of Visit to Correctional Home: 7th July 2017

- i. Participation & Engagement** – The one day workshop witnessed the participation of 15 Judicial Officers of the cadre of District Judge (Entry Level) on 7th July 2017. Of these 14 judges submitted the feedback form. The participants were engaged in discussions at RICA and during their visit to the Dum Dum Central Correctional Home.
- ii. Content** - Regarding workshop content, workshop design, result, they rated the sessions on the scale of “Very useful, Not informative enough, Needs Improvement” and

⁵ On 7th July, participants could not be taken to see the interview room due to rain.

participants held them as “Very useful. Regarding the issue of importance of the role of judicial officers with respect to Correctional Homes, it was answered in the affirmative.

iii. Usefulness - 4 of the 14 participants had not visited a Correctional Home before the that day. All the participants expressed their interest in visiting Correctional Homes in their respective districts. When asked about their reflection on the training in terms of its usefulness, all 14 participants found it useful.

iv. Key Learning's for Participants - Many Officers have noted their learning's during the visit to the Correctional Home.

- Prison Conditions – Food quality may be improved, medical facilities to be improved, hygiene needs to be improved
- Vulnerable groups including women, children, mentally ill, foreign national prisoners – needs special assistance and scope of improvement in terms of legal assistance and contact with the outside world.
- Specific case – a suspected juvenile found.
- Legal Practices (Court Production, Parole, Bail, No surety cases, Periodic Review Committee, Unnecessary detention, foreign nationals) – periodic review must be undertaken, productions must be complied with, quality of legal aid services,
- Prison Administration – comments ranging from good to satisfactory

v. Suggestions - Each of the participants have also shared that a field visit to Correctional Home for judicial officers would be useful for them towards discharging their duties/ functions.

Responses to subject cards

General Information & Prison Management	Health & Hygiene	Access to Legal Services	Contact with the outside world
Capacity – 2609 Occupancy – 3203 Convicts – 957 Pre-trial detainee – 2182 Mentally ill – 40 Children accompanying parents – 84 Total Staff – 350	<ul style="list-style-type: none"> • Quality of food be improved • Clean drinking water available • Cleanliness taken care by prisoners • Medical assistance provided • More doctors needed especially psychiatrists • Rehabilitative activities instituted 	<ul style="list-style-type: none"> • Legal paperwork maintained at the Welfare Office • Physical productions not been complied with in all cases • Applications for seeking legal aid representation made through the Welfare Officer 	<ul style="list-style-type: none"> • Prisoners have various ways to contact their family, friends and lawyers • Friends, family and lawyers are able to visit them • Assistance provided to illiterate to maintain contact • In cases of death in the family of the prisoner, it is promptly notified and parole issued

[Note – For more information see Annexure 1]

Date of Visit to Correctional Home: 10th July 2017

- i. **Participation & Engagement** – The one day workshop witnessed the participation of 23 Judicial Officers of the cadre of Civil Judge (Junior Division) on 10th July 2017. Of these 7 judicial officers submitted the feedback form. The participants were engaged in discussions at RICA and during their visit to the Dum Dum Central Correctional Home.
- ii. **Content** - Regarding workshop content, workshop design, result, they rated the sessions on the scale of “Very useful, Not informative enough, Needs Improvement” and participants held them as “Very useful.
- iii. **Usefulness** - Regarding the issue of importance of the role of judicial officers with respect to Correctional Homes, it was answered in the affirmative. 2 of the 7 participants had not visited a Correctional Home before the workshop that day. 6 participants expressed their interest in visiting Correctional Homes in their respective districts. When asked about their reflection on the training in terms of its usefulness, all 7 found it useful.
- iv. **Key Learning's for Participants** - Many Officers have noted their learning's during the visit to the Correctional Home.
 - Prison Conditions – Basic conditions regarding food, water quality and sanitation are being met but there is room for improvement, maintained and managed well by the staff, medical facilities are up to the mark.
 - Vulnerable groups including women, children, mentally ill, foreign national prisoners – FNP's are accorded equal treatment and no special treatment meted out to them, children of the women prisoners need attention, special attention must be accorded to mentally ill.
 - Legal Practices (Court Production, Parole, Bail, No surety cases, Periodic Review Committee, Unnecessary detention, foreign nationals) – persons deputed by DLSA, legal aid camps are being held.
 - Prison Administration – Good, imparted vocation training as well.
- v. **Suggestions** - Participants have shared their observations during their visit to Correctional Home and they have shared that the interaction would be useful for them towards discharging their duties/ functions. The participants have shared the following suggestions:-
 1. Compilation of important decisions and sharing them with the judiciary
 2. Working on victim rehabilitation
 3. Ready reckoner of relevant legislations and decisions
 4. Specific case studies on specific issues to highlight the barriers in securing justice
 5. More interaction with prisoners during the visit to the Correctional Homes.

Annexure 1 - Subject Cards

General Information & Prison Management

Particulars	Comments
Capacity and Occupancy	
Official capacity and number of prisoners	
Official capacity for adult male prisoners and number	
Official capacity for adult women prisoners and number	
Official capacity for children (under age of 18) and number	
Prison Population	
Number of convicted among all prisoners	
Number of pre-trial detainees among all prisoners	
Number of prisoners with mental disabilities	
Number of women in pre-trial detention	
Number of children accompanying a parent in prison facilities	
Space Allocation	
Total cell space	
Average cell space per prisoner	
Prison Staff and Prisoner/Staff Ratio	
Total number of prison officers (including administrative, specialized and support staff)	
Total number of health/medical staff	
Total number of operational/security officers	
Ratio of prisoners per operational/security officers	
Safety and Health	
Number of prisoner deaths during the reporting period	
Number of prisoner injuries requiring medical attention during the last year	
Number of prisoner illnesses requiring medical attention during the last year	
Basic Needs and Sanitation	
Average number of meals per prisoner per day	
Total number of toilet facilities and number of prisoners per toilet	

Health & Hygiene

Particulars	Comments
Basic Needs, Sanitation and Hygiene	
The prison administration provides prisoners with food of wholesome quality and sufficient nutritional value	
Clean drinking water is available to prisoners	
Prisoners are allowed to receive food from their visitors	
All parts of the prison are properly maintained and kept clean	
Every prisoner is provided with clean bedding and clothing	
Toilets are working, clean and accessible whenever needed	
Adequate bathing or shower installations and kept clean	
Prisoners provided with water and toilet articles necessary for health, cleanliness and proper care of hair, teeth, and body.	
Every prisoner permitted at least one hour in the open air daily and allowed to exercise	
Health Services	
Correctional administration maintains medical files of all prisoners separately from the general files (e.g. in a health centre) and records illnesses and number and causes of deaths in custody.	
All prisoners given medical examination by a physician or a fully qualified nurse	
Qualified healthcare staff visits all prisoners in need of medical attention on a daily basis.	
Healthcare services are provided free of charge	
No medical test is performed without the consent of the prisoner	
Sufficient medical supplies available in the prison and administered in line with national health policies	
Qualified healthcare personnel regularly inspect the suitability of food, hygiene, drinking water, cleanliness, sanitation, heating, lighting, ventilation, clothing, bedding and opportunities for exercise	
Special health needs of women, children, babies and the elderly are provided	
Sick prisoners who cannot be treated in the prison are transferred to a civilian hospital	
Prison Work and Rehabilitation Programmes	
Work conditions are safe, and do not constitute any health risks.	
Working prisoners have at least one rest day a week and sufficient time for education and other activities.	
Working prisoners receive equitable remuneration for the work they perform	
Prisoners are allowed to spend at least part of their earnings on approved articles for their own use and to send part of their earnings to their family	
Prison offers vocational training for prisoners	
All prisoners have access to education	
Necessary funds, equipment, and teaching staff are available to enable educational programs, and efforts are made to encourage participation	
Recreational and cultural activities are offered to inmates	
Education of children and illiterate prisoners is compulsory	

Contact with the Outside World

Particulars	Comments
With Family, friends and lawyers	
Prisoners are able to promptly contact their person of choice to inform him/her about their detention and the place of detention, including, in the case of foreign prisoners, diplomatic and consular representatives	
All prisoners have the possibility to receive visits and to correspond with any person of their choice, subject only to conditions established by law. Visits are sufficiently frequent and of reasonable length	
Prisoners are allowed to use official telephones, under appropriate supervision, to contact family and friends.	
Assistance is provided to illiterate prisoners to write and read correspondence	
Prisoners are informed promptly of the death or serious illness of any near relative. The closest relative or any other designated person is informed immediately of the transfer, death, injury, or any serious illness of a prisoner	
Correspondence and visits with legal representatives are unrestricted and confidential	

Access to Legal Services

Particulars	Comments
Legal Procedure & Awareness	
Are all inmates given an ID number upon arrival at the facility?	
Is all paperwork concerning the inmates case kept at the facility? How is it maintained (hard copy or electronic)?	
Is anyone being held without conviction papers? How many?	
Has anyone in pretrial not seen a judge? How many?	
Have any pretrial detainees been held longer than 90 days?	
Are detainees segregated based on age, gender, and pre-trial vs. conviction?	
How are inmates transported to court?	
What is the release process?	
Legal Aid Services	
Level of awareness regarding legal aid services amongst prisoners	
How is the process for obtaining legal aid initiated?	
Quality of legal aid services being rendered by the appointed legal aid lawyers	
Whether Para-Legal Volunteers – convict or community – present?	
Whether there are awareness camps being organized by DLSA members?	

Annexure 2 - Feedback Format

Dear All,

Today's field visit is the first time that visit to a correctional home has been included as part of training at the State Judicial Academy, WB. Our aim has been to sensitize and inform the learned participants about the prison system in India as well as give basic information on the role that judicial officer's play as guardians or custodians of those incarcerated. In order to assess whether the field visit was beneficial or not we request that you may take some time to fill up this feedback form. The responses will be collating and form part of the report submitted to SJA, WB & RICA, WB. You may submit yours anonymously as well.

1. Do you think judicial officers have an important role to play w.r.t.
 - a. Prison conditions_____
 - b. Review of undertrial cases_____
 - c. Ensuring legal aid services for persons in custody_____
 - d. Any other_____

2. Have you visited a correctional home/prison before today's visit?
 - a. Yes
 - b. No
 - c. If yes, how many times.

3. After today's visit, would you want to visit the Correctional Homes in your jurisdiction of work?
 - a. Yes
 - b. No
 - c. Can't Say

4. Was today's field visit useful and informative?
 - a. Yes
 - b. No
 - c. Can't Say

5. What are some of your key findings from the correctional home visit? Please list them briefly for each of the areas below:
 - (i) Prison Conditions

 - (ii) Any vulnerable group (Women Prisoners, Mentally Ill, Old and Infirm, Poor, Juveniles, foreign national prisoners, etc.)

 - (iii) Any specific case/prisoner

 - (iv) Legal practices (Court Productions, Parole, Bail cases, No surety cases, Periodic Review Committee, unnecessary detention, foreign national cases, etc.)

 - (v) Prison Administration (training, workshop, meetings, etc.)

 - (vi) Any Other

6. Do you think the field visit will be useful for other judicial officers as well?

7. Please rank today's session's in terms of usefulness.

a. Session I. From Prisons to Correctional Home: The Journey

i. Very useful ii. Not informative enough iii. Needs improvement

b. Sessions II. Prisons vis-à-vis Judiciary

i. Very useful ii. Not informative enough iii. Needs improvement

c. Session III. Prison Visit To Dum Dum Central Correctional Home

i. Very useful ii. Not informative enough iii. Needs improvement

d. Session IV. Key Findings

i. Very useful ii. Not informative enough iii. Needs improvement

8. Do you have any suggestions for CHRI that would aid you in your work?

9. Any other suggestion/thought/idea/feedback that you would want to share?

Date:
Name:
Designation:
District:
Contact Number:
Email ID:

Signature:

Annexure 3 - Registration Sheets

STEP INSIDE AN INDIAN PRISON

Venue: RICA, Kolkata

Tuesday, 7th July 2017

REGISTRATION SHEET

S. No.	Name	Phone Number	Email	Designation	Signature
1	Rajender Kumar Dudeja	9818434851	Rkdudeja1@gmail.com	ADJ, Barasat	
2	Shailendra Kumar Singh	9434326604	Singhsailendra.k@gmail.com	ADJ, Baruipur	
3	Md. Aqil Saifi	9810936198	Aqilsaifi75@gmail.com	ADJ, Howrah (Probation)	
4	Shaikh Kamal Uddin	9830264009	shaikhkamaluddin@gmail.com	ADJ	
5	Chiranjib Bhattacharya	9434222611	b.chiranjib@yahoo.com	ADJ, 1 st Court, Chinsurah	
6	S P Sinha	9434481969	someshprasadsingh@gmail.com	ADJ, 1 st Court, Alipore	
7	Malati	9434326603		ADJ, Barasat	
8	Sarbari	9433424429		ADJ, Barasat	
9	Md. Reza	9434221120		ADJ – 1, Burdwan	
10	Varsha Bansal Agarwal	9433401494	varshabagarwal@gmail.com	ADJ on probation	
11	Debashish Halder	9434375499	Debashishhalder1960@gmail.com	ADJ, 2 nd Court, Malda	
12	Uttam Kumar Nandy	9433479498	Uknandy121121@gmail.com	ADJ, 2 nd Court, Siuri	
13	Bhawani Shanker Sharma	9073141556	Bsharma.bss75@gmail.com	ADJ on Probation	
14	Rabindranath Malik	9477139668	rabindranthmalik@gmail.com	Judge Special Court & ADJ, Alipore	
15	Nanda Dulal Kalapahar	9434342210	Nandadulalk.68@gmail.com	ADJ, Dakshin Dinajpur	

STEP INSIDE AN INDIAN PRISON

Venue: RICA, Kolkata

Tuesday, 10th July 2017

REGISTRATION SHEET

S. No.	Name	Phone Number	Email	Designation	Signature
1	Satarupa Ray	7278031339	Sataruparay89@gmail.com	CJ (JD), Serampore, Hooghly	
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3	Sunita Saha	8013301617	Sahasunita887@gmail.com	CJ (JD), 2 nd Add Court, Contai	
4	Yesmin Ara Khatun	7890896662	saytoyesmin@gmail.com	CJ (JD), Add Court, Garhbeta	
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15	Debayan Ganguly	9038204823	debayan.ganguly1@gmail.com	CJ (JD), 2 nd Court, Jalpaiguri	
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20	Saptamita Das	9874840263	saptamitad@gmail.com	CJ (JD),	
21	Subhadip Mitra	9831242238	Smitra.nalsar@gmail.com	CJ (JD), 1 st Court, Purulia	
22	Amit Chakraborty	9851714760	amitchakhabra@gmail.com	CJ (JD), 1 st Add Court, Contai	
23	Arindam Chakraborty	8658080048	Arindamchakraborty7@gmail.com	CJ (JD), Dantan	